IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 17TH AUGUST 2006 / 26TH SRAVANA 1928

Bail Appl..No. 5042 of 2006

CRIME NO. 420/2004 OF OTTAPPALAM POLICE STATION

APPLICANT/ACCUSED

SHEREEF, S/O.VEERANKUTTY,
MOOCHIKKAL HOUSE, P.O.VARODE,
OTTAPALAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING S.I. OF POLICE,
OTTAPPALAM POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5042/2006

DATED THIS THE 17TH DAY OF AUGUST, 2006

O R D E R

The petitioner is accused in crime No.420/2004 of Ottappalam Police Station, for the offence punishable under Sections 376 and 506(i) IPC. It is alleged that the petitioner committed rape on the victim and she became pregnant. She did not give any complaint to the police, because of the threat exerted on her, by the petitioner. It is submitted by the prosecution that the petitioner left to Gulf and he was employed there. Meanwhile, as the victim was pregnant, she gave birth to a child. Thereafter, she made a complaint and the police registered the case.

2. In the facts situation of the case, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No. 420/2004 of Ottappalam Police Station, on 23.8.2006 between 10.30 a.m and 11.00 a.m. The Investigating Officer shall interrogate the petitioner and produce him before the Judicial Magistrate

of First Class, Ottappalam, as per the law. Unless there is an application for custodial interrogation filed for the completion of the investigation, the learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary, including the reporting of the petitioner before the Investigating Officer, and that he shall not leave the State of Kerala, till the completion of the trial and disposal of the case.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs